

43. (Twice amended) A RNA having a ribonucleic acid sequence of a transcript of [part or all of] the DNA sequence of claim 1.

Please add the following new claims.

-- 44. The nucleic acid of claim 1, wherein the DNA sequence corresponds to that of cosmid B22, A55, or A22.

45. A plant according to claim 18, selected from the group consisting of tomato, melon, tobacco, Arabidopsis, egg plant, and potato.

46. An oligonucleotide primer for the nucleic acid of claim 1, selected from the group consisting of the sequence from nucleotide 3470 to nucleotide 3565 of SEQ ID NO:11, the sequence 5'-AATTCAGA-3', and the sequence 5'-TAATCT-3'.--

47. The nucleic acid of claim 4, further comprising a promoter sequence and a terminator sequence.

48. A plasmid comprising a DNA construct according to claim 9.

49. An oligonucleotide of at least about 8 nucleotides that hybridizes specifically to the nucleic acid of claim 1, under conditions of high stringency

50. An nucleic acid according to claim 1, wherein the DNA sequence is at least about 90% identical to a sequence of at least about 50 contiguous bases of SEQ ID NO:11.

REMARKS

Claims 1- 32, 34, and 38-50 are pending. Claims 33 and 35-37 have been deleted. Claims 44-50 have been added. Claims 1 and 41 are independent. No new matter has been added.

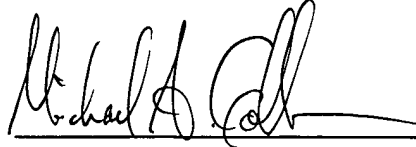
The specification and claims have been amended to insert required references to SEQ ID NOS of the Sequence Listing filed concurrently herewith, to indicate the insertion point for the Sequence Listing, and to effect necessary changes in pagination. The claims have also been amended to clarify the scope of the invention.

Support for claim 1, as amended, may be found in the definition of "homologous sequence" at p. 8, line 21, to p. 9, line 4, and of "stringent conditions" at p. 9, line 15 to p. 10, line 4, in particular, p. 9, line 18. Support for new claim 45 is found e.g. at page 13, lines 19-24, and page 19, line 29 to p.20, line 4.

Applicants respectfully submit that the claims are in condition for allowance, and request favorable examination on the merits of the application.

Date: July 1, 1998

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Gollin", written over a horizontal line.

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